

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

CARL RAGASA and KANANI	)	CIVIL NO. 03-00540
RAGASA,	)	
	)	<b>DECLARATION OF COUNSEL;</b>
Plaintiffs,	)	<b>EXHIBITS "A" through "I"</b>
	)	
vs.	)	
	)	
COUNTY OF KAUAI, KAUAI FIRE	)	
DEPARTMENT, DAVID SPROAT,	)	
ROBERT KADEN, SIDNEY KINI	)	
and ETHAN SAGE,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

**DECLARATION OF COUNSEL**

Pursuant to 28 U.S.C. § 1746, I, MARK R. ZENGER, hereby declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of Hawaii and admitted to practice before this Court.
2. I am a partner in the law firm of Richards & Zenger.
3. I am counsel for Plaintiffs CARL RAGASA (hereinafter "CARL") and KANANI RAGASA (hereinafter "KANANI") in the above-captioned matter (hereinafter referred to as "Ragasa v. County of Kauai, et. al.").

4. All of the information stated herein is information which I learned in my capacity as counsel for CARL and KANANI in Ragasa v. County of Kauai, et. al.. If called as a witness I could and would testify to the truth of the matters stated herein except as to those matters stated to be true on information and belief, and as to those matters I believe them to be true.

5. A true and correct copy of that certain letter dated August 29, 2003 from Carl Ragasa to the United States Lifesaving Association is attached hereto as incorporated herein by reference thereto as Exhibit "A".

6. A true and correct copy of the "Investigative Findings" of KFD Chief David SPROAT covering the dates of January 7, 2002 to January 28, 2002 is attached hereto as incorporated herein by reference thereto as Exhibit "B".

7. A true and correct copy of the "Water Safety Bureau Meeting of August 28, 2001" is attached hereto as incorporated herein by reference thereto as Exhibit "C".

8. A true and correct copy of the "Water Safety Bureau Meeting of October 3, 2001" is attached hereto as incorporated herein by reference thereto as Exhibit "D".

9. A true and correct copy of the KPD Form 103 dated June 4, 2002 from WSO Ethan Sage to Whom it May Concern" is attached hereto as incorporated herein by reference thereto as Exhibit "E".
10. A true and correct copy of the KPD Form 103 dated September 29, 2002 from WSO Ethan Sage is attached hereto as incorporated herein by reference thereto as Exhibit "F".
11. A true and correct copy of the KPD Form 103, undated, from WSO Ethan Sage entitled "Intimidation in the Workplace is attached hereto as incorporated herein by reference thereto as Exhibit "G".
12. A true and correct copy of the transcript of an October 3, 2002 audiotaped interview of WSO Ethan Sage by Mark R. Zenger, Esq., in the presence of Marlo Souza, Carl Ragasa and Kanani Ragasa is attached hereto as Exhibit "H".
6. A true and correct copy of the condensed version of the deposition of Michael Soong, Esq. taken on November 8, 2005 is attached hereto as incorporated herein by reference thereto as Exhibit "I"..
13. True and correct copies of the:
  - A. the Declaration of Terry Chung dated November 24, 2005 (the "Chung Declaration");

- B. Declaration of Myles Emura dated November 24, 2005 (the “Emura Declaration”);
- C. Declaration of Nathan Hookano dated November 24, 2005 (the “Hookano Declaration”);
- D. Declaration of Norman Hunter dated October 24, 2005 (the “Hunter Declaration”);
- E. Declaration of Gerald Hurd dated October 25, 2005 (the “Hurd Declaration”);
- F. Declaration of Mark McKamey dated October 25, 2005 (the “Hurd Declaration”);
- G. Declaration of Carl Ragasa dated January 5, 2006 (the “Ragasa Declaration”);
- H. Declaration of Bruce Stine dated October 23 , 2005 (the “Stine Declaration”); and
- I. Declaration of Clay Wolcott dated November 29, 2005 (the “Wolcott Declaration”);

are all attached herein and incorporated herien by reference thereto.

I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY  
KNOWLEDGE AND BELIEF.

Executed this 6<sup>th</sup> day of January 2005 at Lihue, Kauai, Hawaii.

  
MARK R. ZENGER

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**DECLARATION OF COUNSEL; Carl Ragasa and Kanani Ragasa v. County of Kauai, et. al, In the United States District Court for the District of Hawaii, Civil No. CV 03-00162 (BMK).**

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